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IN THE DRAWINGS:

Please replace pending Figures 3 and 4 with Figures 3 and 4 provided on the accompanying replacement sheets.

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REMARKS / ARGUMENTS**Amendments to the Specification**

In the specification, the paragraph commencing on page 3 with the text "In accordance with a first embodiment of the present invention ..." has been modified to reflect amendments to claim 1. No new matter has been added by these amendments.

Amendments to the drawings

In the drawings, and in response to the Examiner's objection under 37 CFR 1.83(a), Figures 3 and 4 have been replaced with corresponding Figures 3 and 4 shown on the attached replacement sheet. Amended Figure 4 shows the hingeable conveyor (55), along with the flip-up bridge (60) connected thereto, being movable laterally relative to the sloped gravity conveyor (62) as allowed by the flexible joint (64), as illustrated by the arrows in pending Figure 4, and disclosed in page 7, lines 27-29 of the application as originally filed. Furthermore, amended Figure 3 shows the flip-up bridge (60), claimed in claim 10, being flipped up out of the way of the operator (41), as disclosed in page 7, lines 22-24 of the application as originally filed. Accordingly, no new matter is added by these amendments.

Amendments to the claims

The claims, notably claim 1, have been amended to include some of the features of pending claim 3, as well as to clarify firstly the fact that each first case guide of the pair thereof is in communication with a respective raisable guide of the pair thereof, which is in turn in communication with a respective second guide from the pair thereof, and secondly the fact that the raisable guides allows mixed product cases located on corresponding the mixing second case guides to flow thereunder when in a raised position, as disclosed throughout the specification and in Figures 1 to 6 of the application as originally filed. The remaining amended claims have undergone minor modifications to

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ensure proper antecedent basis with amended claim 1 and to improve the clarity and the idiom.

Claim rejections under 35 USC 112

The Examiner has rejected claims 3 and 6 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 3: Claim 3 has been amended to remove the limitation "accumulating conveyor systems", which then renders the lack of antecedent basis insufficiency therefore obsolete.

Re claim 6: Claim 6 recites "... the accumulating conveyor system includes a conveyor end portion and a sloped gravity conveyor, ..." such that the sloped gravity conveyor is intended to be part of the accumulating conveyor system, as disclosed in page 7, lines 6-10 of the original disclosure, and not in addition thereto as questioned by the Examiner. In turn, the sloped gravity conveyor includes a pair of parallel product accumulation conveyors or lanes 66, 68, as raised by the Examiner and disclosed in page 7, lines 18-19 of the original disclosure. Accordingly, the applicant respectfully believes that the subject matter of pending claim 6 is definite and complies with requirements of 35 USC 112, 2nd paragraph. (Emphasis added)

Accordingly, applicant respectfully requests that rejections of claims 3 and 6 under 35 USC 112, 2nd paragraph be withdrawn.

Claim rejections under 35 USC 103 (a)

The Examiner has rejected claims 1-3, 6, 7, 13 and 25 as being unpatentable over Nelsen (Pn 1,800,898), in view of De Greef (Pn 4,411,366). In response, the Applicant has modified claim 1 to include some features of pending claim 3, and to clarify the connection between the different components of the claimed order merging system, as well as clarifying the function of the raisable guides.

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Re claim 1: In fact, independent claim 1 of the present invention refers to an order merging system comprising at least two depalletizing stations, each one feeding cases of different respective products depalletized on the depalletizing stations to at least one pair of first guides and at least one pair of raisable guides respectively extending therefrom, the cases of the different products being combined on the at least one pair of independent mixing second case guides (independent from one another, *see page 8, lines 16-17 and 26, of the original disclosure*), such that each one of the second guides has a specific combination or mix of the respective product cases selectively (*see page 9, line 14 and page 11, lines 10-11 of the original disclosure*) merged thereon from a respective one of the first guides of each one of the at least two depalletizing stations, using the respective raisable guides, the latter allowing the flow of mixed product cases located onto the corresponding second case guides thereunder when in a raised position, which is inherently the purpose of the raisable guides. (Emphasis added)

Nelsen discloses a conveying apparatus with receiving (depalletizing) stations (2,3,4), each feeding a first guide (5,6,7) turning into a second guide downstream of a curved (non-twisted; twisted implying a change of plane and direction) section, such that each second guide having only the product cases of its respective depalletizing station. All second guides reach a common merging section (13) that feeds the only one main line mixing conveyor (8) with the merged products thereon, as opposed to one independent mixing second case guide for each one of the first case guides of the corresponding depalletizing stations. Also, Nelsen's raisable guide (guide rails of conveyor (11), seen in Figures 6 and 7, as stated by the Examiner) does not allow the flow of mixed product cases located onto the mixing second case guide thereunder when in a raised position, as this is inherently the purpose of the raisable guides of the present invention. (Emphasis added)

Furthermore, in order to get at least one pair of second case guides (mixing conveyors) as in the present invention, Nelsen would need two sets of apparatus of Fig. 1, thus twice the floor space, and so on for more, as opposed

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to the present invention in which only additional first guide(s), raisable guide(s) and second guide(s) simply need to be added along the existing pairs to get additional mixed lane(s) of merged products (*see page 8, lines 9-13 and 20-23, Figures 1, 4 and 5 of the original disclosure*). In addition whereas the present invention can merge a great amount of different products on each one of the mixing second case guides by adding depalletizing stations which only add length to the present system, Nelsen's apparatus would need to be longer and also wider to merge these additional products. Notwithstanding the fact that this additional width is a significant disadvantage in and of itself due to the floor space consumed. Furthermore, adding a significant number of additional products by widening Nelsen's merging apparatus would make it a complex mechanism, difficult to build, access and maintain, making it unpractical, and unrealistic solution to merge more than three products. Additionally, it is noted that it would be useless to have one pair of first case guides (5, 6) of Nelsen's system to supply a same product since the two lines feed a same mixing conveyor (8), as opposed to each one of Applicant's depalletizing stations that includes at least one pair of first case guides of a same product to feed two independent mixing second case guides. (Emphasis added)

Accordingly, it is respectfully believed that it would not have been obvious at all to one having ordinary skill in the art at the time Applicant's invention was made to allow Nelsen's depalletizing stations to convey different products or articles per lane as taught by De Greef in order to provide for a conveyor system capable of more efficiently conveying different products or articles from one point to another on multiple mixing lanes, as claimed in amended claim 1 of the present invention.

Re claims 2, 3, 6, 7, 13, and 25: Amended dependent claims 2, 3, 6, 7, 13, and 25 are respectfully believed to patentably distinguish the invention over the prior art cited by the Examiner for the similar reasons set out above with respect to claim 1 since they depend thereon.

Amended claim 3 has been amended to remove the features now in amended claim 1 and to clarify the feature of each second mixing case guide is

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continuous with a respective raisable guide, which is in turn continuous with a respective first case guide, as disclosed throughout the specification and in Figures 1 to 5 as originally filed.

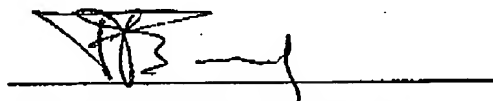
Allowable subject matter

The Examiner states that claims 8-15 and 17-24 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and intervening claims. Claims 8-15 and 17-24 are all dependent on amended claim 1 and have all the features and limitations thereof. Accordingly, the Applicant respectfully submits that these claims are now allowable for the same reasons set out above for amended claim 1.

In light of the foregoing, the Applicant submits that the Application, with amended claims 1-3 and 6-25, is now ready for allowance and favorable consideration of the present application to this effect is respectfully requested.

Respectfully submitted,

Dan LAFONTAINE, Assignee

A handwritten signature in black ink, appearing to read 'FB' followed by a stylized flourish, is written over a horizontal line.

Franz BONSANG, Reg.No: 56638

Encl.: Petition for Extension of Time (1 month) with fee payment form (2 pages);
Replacement sheets of pages 3 & 4 of the Drawings for amended Figures 3 & 4.

U04